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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/557,693

02/21/2007

Martin Koch

P05,0327

7845

26574 7590 11/24/2009

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EXAMINER

BOCHNA, DAVID

ART UNIT

PAPER NUMBER

3679

MAIL DATE

DELIVERY MODE

11/24/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/557,693	<b>Applicant(s)</b> KOCH ET AL.	
	<b>Examiner</b> David E. Bochna	<b>Art Unit</b> 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 60-112 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 60-66, 73, 74, 83-85, 90-94, 97, 98 and 104-112 is/are rejected.
- 7) ☒ Claim(s) 67-72, 75-82, 86-89, 95, 96 and 99-103 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 February 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the drawings are drawn by free hand, making it difficult to discern structural details within the figures. Additionally, figures 16-17 and 19 appear to be missing from the application. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.
2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the subject matter of claims 69, 71-72, 86 and 99-100 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an

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application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Specification***

3. The disclosure is objected to because of the following informalities:

Page 55, line 15 – reference number 1120' should be changed to 112'.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 83, 90-91, 97, 98, 107-110 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 83, lines 1-2 -it is unclear what is meant by "first or second locking rails".

Claim 90 - is "at least one first locking element" reciting a new locking element, or referring to the locking element recited in claim 89?

Claim 91 - is "at least one first locking element" reciting a new locking element, or referring to the locking element recited in claim 89? Additionally, is the "at least one frame band" referring to a new frame band or referring to the frame band already recited in claim 75?

Claim 97 - is the "at least one frame band" referring to a new frame band or referring to the frame band already recited in claim 75?

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Claim 98 – are the “first and second frame bands” referring to new frame bands or referring to the frame bands already recited in claim 75?

Claim 98 – it is unclear as to which components the phrase “to each other” is referring.

Claim 107 – it is unclear how the fourth coupling lock can have an opening large enough to allow the fourth coupling lock to pass through.

Claims 108-110 are rejected because they fail to further limit the claim from which they depend by positively reciting an additional method step.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 60-66, 73-74, 104-109 and 111-112 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson et al. ‘529.

In regard to claim 60, Johnson et al. ‘529 discloses a multiple coupling lock system for an environmentally sealed filling or refilling of a first container or a first hose, comprising:

a first coupling lock 20 having an opening area 60 which is opened;

a first flexible conveyance unit 150 having a first end connected to said first coupling lock 20 in an environmentally sealed manner;

a second end of the first flexible conveyance unit connecting to a second coupling lock 160 in an environmentally sealed manner, said opening area 60 of said first coupling lock being sufficiently large when opened to allow said second coupling lock 160 to pass therethrough;

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and said second coupling lock 160 connecting in an environmentally sealed manner to said first container or first hose 190.

In regard to claim 61, wherein a second flexible conveyance unit (fig. 6) is connected in environmentally sealed manner at a first end to said first coupling lock opposite said first flexible conveyance unit and a second end of said second flexible conveyance unit being connected in an environmentally sealed manner to a third coupling lock 160 connectible with said second coupling lock 160, said third coupling lock being connected in an environmentally sealed manner to a second container or second hose 190.

In regard to claim 62, wherein a fourth coupling lock 20 connects said second conveyance unit first end to said first coupling lock 20 by docking with said first coupling lock 20.

In regard to claim 63, wherein said fourth coupling lock has an opening area 60 which when opened is sufficiently large to allow said second coupling lock 160 to pass therethrough.

In regard to claim 64, wherein the first coupling lock opening area is closable by collapsing the first coupling lock 20.

In regard to claim 65, wherein said first and fourth coupling locks have opening 60 areas are openable and closeable (via 200).

In regard to claim 66, wherein said first flexible conveyance unit comprises a hose 150.

In regard to claim 73, wherein the first coupling lock comprises first 20 and second 30 bands and the first container or first hose 150 connects at an opening edge of the first coupling lock with the first 20 and second 30 bands.

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In regard to claim 74, wherein the first coupling lock comprises first 20 and second 30 bands and wherein at least an inner side or an outer side of the first or second bands comprises a bonding or adhesive layer.

In regard to claim 104, Johnson et al. discloses a method for an environmentally sealed filling or refilling of a first container or a first hose 190, comprising the steps of:

- providing a first coupling lock 20 having an opening area which is opened;

- providing a first flexible conveyance unit 150 having a first end connected to said first coupling lock in an environmentally sealed manner;

- providing a second end of the first flexible conveyance unit connecting to a second coupling lock 160 in an environmentally sealed manner, said opening area of said first coupling lock 60 being sufficiently large when opened to allow said second coupling lock to pass therethrough;

- providing said second coupling lock connecting in an environmentally sealed manner to said first container or first hose 190; and

- moving said second coupling lock through said first coupling lock while flexing said first flexible conveyance unit (see fig. 11).

In regard to claim 105, including the further steps of providing a second flexible conveyance unit connected in an environmentally sealed manner at a first end to said first coupling lock opposite said first flexible conveyance unit and a second end of said second flexible conveyance unit being connected in an environmentally sealed manner to a third coupling lock connectible with said second coupling lock, said third coupling lock being connected in environmentally sealed manner to a second container or second a hose, and

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connecting said second coupling lock with said third coupling lock by moving said second coupling through said first coupling lock (see figs. 7-11).

In regard to claim 106, including the steps of providing a fourth coupling lock 20 connecting said second conveyance unit 150 first end to said first coupling lock by docking with said first coupling lock 20, and connecting said second and third coupling locks 160 by moving the second coupling lock through the docked first and fourth coupling locks (see fig. 11).

In regard to claim 107, including the step of providing said fourth coupling lock 20 with an opening area 60 which when opened is sufficiently large to allow said second coupling lock 160 to pass therethrough.

In regard to claim 108, wherein a suction is provided for transfer of medium from said second container or second hose to said first container or first hose or vice versa when said second and third coupling locks are connected (no method step is being positively recited here).

In regard to claim 109, wherein said first or second containers or hoses 190 are flexible.

In regard to claim 111, Johnson et al. discloses a docked multiple coupling lock system for an environmentally sealed transfer of a medium between a first container or a first hose and a second container or a second hose, comprising:

- a first coupling having an opening area which is opened;

- a first flexible conveyance unit having a first end connected to said first coupling lock in an environmentally sealed, matter;

- a second end of the first flexible conveyance unit connecting to a second coupling lock in an environmentally sealed manner, said opening area of said first coupling being sufficiently large when opened to allow said second coupling lock to pass therethrough;



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said second coupling lock connecting in an environmentally sealed manner to said first container or first hose;

a second flexible conveyance unit connected in an environmentally sealed manner at a first end to a fourth coupling lock which is docked to said first coupling lock, a second end of said second flexible conveyance unit being connected in an environmentally sealed manner to a third coupling lock connectible with said second coupling lock, said third coupling lock being connected in an environmentally sealed manner to said second container or second hose; and said fourth coupling lock having an opening area which when opened is sufficiently large to allow said second coupling lock to pass therethrough (see figs. 7-11).

In regard to claim 112, Johnson et al. discloses a docking method for transferring a medium between a first container or a first hose and a second container or a second hose, comprising the steps of:

providing a first coupling lock connected in environmentally sealed manner to a second coupling lock by a first flexible conveyance unit, an opening area of said first coupling lock being sufficiently large to allow said second coupling lock to pass therethrough;

providing a third coupling lock connected in environmentally sealed manner to a fourth coupling lock by a second flexible conveyance unit, an opening area of said fourth coupling lock being sufficiently large to allow said third coupling lock to pass therethrough;

docking said first and fourth coupling locks together;

moving either said second coupling lock or said third coupling lock through said first and fourth docked coupling locks for connection of said second and third coupling locks to each other; and

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transferring the medium between the first container or first hose and the second container or second hose (see figs. 7-11).

***Allowable Subject Matter***

8. Claims 67-72, 75-82, 86-89, 95-96 and 99-103 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 83-85, 90-94, 97-98 and 110 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stoye et al., Jinneweil, Galomb et al., Lataix et al., Goldschmidt et al., Marino, Handleman, Marrucchi, Wolff-Mooij, Gustavsson, Webb, Lolachi et al., Tenczar '494, Tenczar '205 and Tenczar '512 all disclose similar couplings common in the art.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. Bochna whose telephone number is (571) 272-7078.

The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David E. Bochna/  
Primary Examiner, Art Unit 3679